Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (S/B) No.470 of 2002

1.Sri Godhan Singh Bisht aged about 33 years
S/o Shri Deb Singh, working as Class IV employees
in Paryatak Awasgrah Bhawali, Nainital,

2.Sri Divender Singh Negi aged about 37 years,
S/o Sri Laxman Singh, working as Class IV employees
in Paryatak Awasgrah Bhawali, Nainital,

3.Sri Prakash Singh aged about 31 years
S/o Sri Tej Singh, Working as Class IV employee
in T.R.C. Tallital, Nainital.

4.Sri Himat Singh Bisht aged about 35 years
S/o Sri N.S.Bisht, Working as Class III employee
in Kumaon Mandal Vikas Nigam Ltd., Head Quarter,
Nainital.

5. Sri Manoj Kumar Verma aged about 38 years,
S/o late Sri Sunder Lal Verma, Working as
Class III employee in T.R.C. Tallital, Nainital.

6.Smt.Kalawati aged about 40 years,
W/o Sawran Kumar, Working asClassIV employee
in Paryatak Awasgrah Bhawali, Nainital.

7.Smt.Geeta aged about 32 years
W/o Subhash Kumar, Working as Class IV employee
in T.R.C. Tallital, Nainital.

8.Sri Chandan Kumar aged about 36 years
S/o Sri Chotay Lal, Working as ClassIV employee in
Kumaon Mandal Vikas Nigam Ltd., T.R.C. Sukhatal,
Nainital.

9.Sri Dewan Singh aged about 30 years
S/o Sri Ram Singh, Working as Class IV employee
in Kumaon Mandal Anusuchit Janjati Vikas Nigam
Ltd. Nainital.

10.Smt.Deepa aged about 30 years
W/o Sri B.C.Patni, Working as Assistant Lipik,
Kumaon Mandal Vikas Nigam Ltd., Didihat.

..... Petitioners

Versus

1. Managing Director,
   Kumaon Vikas Nigam Ltd.,
   Oak Park, Nainital.

2. M/s Kumaon Mandal Vikas Nigam Ltd.,
   Oak Park, Nainital

..... Respondents

Sri A.D.Tripathi, learned counsel for the petitioners.
Sri Sobhit Saharia Advocate holding brief of Sri U.K.Uniuyal, learned Senior Advocate for the respondents.

Date: 11.07.2006

Hon'ble P.C.Verma,J.
Hon'ble B.S.Verma,J.

By means of this petition the petitioners have prayed for writ of mandamus directing the respondents to regularize the service of the petitioners from the dates of their appointments or at least from the date of completing their 3 years service after their respective appointments and they may be paid salary on the basis of regularization of their services.

2. While entertaining the writ petition on 21.05.2002 the Court made the following order:-

> "Meanwhile, it is provided that since the petitioners are working with the respondents for more than ten years, therefore, they shall be paid minimum of pay scale if the post is available. The representation of the petitioners shall also be decided during the aforesaid period."

3. It is not disputed that the petitioners are continuing in service and are being paid minimum wages. Now this Court cannot issue writ of mandamus to

regularize the petitioners in view of law laid down by the Apex Court in the case **Secretary, State of Karanataka and others versus Uma Devi (3) and others, reported in (2006) 4 Supreme Court Cases, page 1.**

4. In view of the aforesaid law laid down by the Apex Court, the writ petition is dismissed. No order as to costs. However, the petitioners shall not be disengaged except in accordance with law.

5. The modification application No.8453 of 2006 shall stand disposed of accordingly.

(B.S.Verma,J.)
11.07.2006

(P.C.Verma,J.)
11.07.2006

P.Singh